

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Aidong Chen**
31 Silverleaf CT
Riverside, NJ 07457

From: **Newark Area Office**
283-299 Market Street
Two Gateway Center, Suite 1703
Newark, NJ 07102

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No. **524-2018-00543** EEOC Representative **Rayba Watson,** Telephone No. **(973) 645-6021**
Enforcement Supervisor

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

☐ The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐ Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐ The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐ Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.

☒ The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

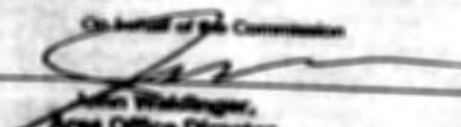
☐ The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐ Other (briefly state)

- NOTICE OF SUIT RIGHTS -
(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** of your receipt of this notice, or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the last EPA violation. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be recoverable.

On behalf of EEOC Commission

John Wadlinger,
Area Office Director

MAY 09 2018
(Date Mailed)

Bred Fisher
Human Resources
KPMG LLP
3 Chestnut Ridge Road
Montvale, NJ 07645

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1. Wrongful termination: On Oct 5th, 2017, KPMG terminated my employment without proper HR procedures, no any written reasons on the notice. However, later on the NJ department of labor's feedback is that I have misconduct due to not meeting the expectation. NJ DoL did not accept KPMG's comments and issued the UI after interviewing with me by phone.
2. Procrastinated KPMG E&C process: report to KPMG E&C (case# 265276876701) was told to be concluded in Apr 2018, till last check (July 27th, 2018), it is still yet to be concluded.
3. Biased promotion & hiring process, pervasive discrimination within LH Tech group:
 - a. **In the group, only Caucasian staffs got promoted or hold high-rank position**, at a fraction of my (non-Caucasian's) contribution or expertise;
 - b. **For three of the group's beginners (all non-Caucasian), Paulin and I were fired, Sheb stays in the same level for 3.5 years; while the group expanded substantially, with four Caucasian staffs promoted, another six staffs joined the group with same or higher rank.**
 - c. There were another two non-Caucasian staffs dedicated to the group for one year, one got fired due to malicious competition, and the other left due to empty promise.
 - d. Bill controls the interview process while others (except their close friend) cannot participate the interview. Teamed with Dave, only their recommendations or friends can join the group.
4. Different employment condition & terms, lack of accountable system or just not respect it.
 - a. I was SA, but SA access was revoked in an incompilant way (HR Jill Miller confirmed this) and I am still accountable for the originally assigned work. This absolutely prevented my work but project director and PML had no sense of its importance. Raised it up for 5 months and Bill kept blocking it, threatened me that I need to work at another organization and the group no longer had such a role, even several SA were hired. Dave originally even complained that he had too much work and supported me to gain access, however, under Bill's influence, they made it up that it is KTech's decision and I checked it is not true.
 - b. Originally all the teams' duty are on me; after Bill & Dave join, I can only work on the work no one want to work on, or they don't know how to do it. For the latter ones, Bill tried his best to prevent me getting the last step done, report my work to upper manager in an ambiguous way or just claim my work, eventually I was accountable for all the problems and cannot claim any credit. In Apr 2017, Martin even requested Kevin to write about it and requested not to keep me accountable for the issues that I am not responsible for (well, at separation table, Martin said that is the evidence that I cannot work in the team, which is in fact Bill wanted to claim my work after it succeeded and I asked Martin's help since it is in my performance goal). Clear example is GPU project, DC2 environment, Hadoop engagements onboard (also PHI project, Rick was the victim. BTW, Rick got Director position at KPMG's competitor right after being fired from KPMG after LH's malicious comments), which are all on my performance goal setup by Martin after Martin confirmed with Kevin.
5. Harassments
 - a. Constantly uninvited advise from Bill, even after clear denial, since most of them are distracting, or just completely wrong (can provide a long list if needed).
 - b. Modern E&C training indicated that employees networking with manager to an unrespectable level, it is a harassment to others. Which is so true in Lighthouse Technology Group (abbr. as LH Tech later on). In the group, Kevin almost never participated the group meeting, only Bill and Dave has the chance to bring issues up and have access to projects.

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- c. Modern E&C training also indicated that if managers ignore employee's valid complaint, it is a harassment. Kevin clearly knows Bill was retaliating me since I brought this up directly to him twice, his response is that Bill was not so malicious and someone else in KPMG did similar actions against him as well. Bill can behavior about one week after report but will retaliate me further; Martin knew I did not have enough access to conduct my work, and asked me why. My answer to him is that HR already confirmed that it is not approximate, only court might help further.
6. **Feedback from PML and HR clearly contradicted to each other.** PML indicated that it has nothing to do with the progress of the project (actually he commented someone's feedback was great, GPU project is for AI initiative, which originally proposed by me on Nov 2015, it was on my 2016 & 2017 performance goal); HR Simon indicated that I was tagged with misconducted due to I cannot meet the expectation (NJ DoL's feedback), even Simon and Martin were all at the termination table with me at the same time.
7. Demanding and varying standards against me:
 - a. I am confident that I am conducting the work that is one or two levels above my assigned level. That is why my work constantly got plagiarized and I was targeted so seriously.
 - b. Evaluate me with different & varying standards; take malicious comments in the evaluation process without independent check, even find the malice later on, refuse to correct.
 - c. Even as the first technical engineer in the group, acted as the lead for several major projects, still did not get the equal evaluation as the later comers.
 - d. I am the champion of the modelling demonstration for NYC office grand opening (this is side evidence that Bill was retaliating me, in Apr~Sep 2016, I did not have projects, the other assigned work can be done by me in one or two hours so I have so much free time to attack that hard problem. I was blamed that my engagement level is not good, even after I bright the concern to Martin explicitly due to no access to conduct my work, and my guidance to Dave were all claimed by him, Dave even said in the meeting that the project had a lot of mistakes when he started, actually when I interviewed him, he knew absolutely nothing about Hadoop; when Dave/Bill got the assignment of GPU project, they had absolutely no idea what is going on and Kevin ask Martin to let me handle it from beginning to the end, I collaborated with Darryl Swofford & Debajyoti Roy to make it started)
 - e. my work is so innovative even the vendor Nvidia initialized the conversation with me to put KPMG as one of their 15 most favorite customers.
8. **Retaliation:**
 - a. **Bill was my manager for a short time, his manager role was removed by HR Jill Miller for his inaction in PHI project. Later on Bill prevented me from getting enough access to conduct the work, even supervisors clearly know this and HR verified it,** still no effective measurement to remedy it. Isolate me from the projects that I supposed to join, even for the project that I am the lead. I got yelled times for some activities that I tried to complete for my own role or project.
 - b. **Had no chance to update Kevin of my work in the group's yearly meeting since Bill excluded me from presenting. I updated Martin about this and he agreed that is a concern.**
 - c. **Bill provided malicious feedback in my 2016 review. Due to that, Martin marked me as low performer; I protested and Martin rechecked. Martin told me in Feb 2017, indicating that**

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the feedback from inside LH and outside LH contradicted with the feedback he got before (Martin refused to disclose who gave the malicious feedback, but I figured it out due to Bill spoke out in office), Martin's notice on low performance to Jill Miller did not give me any further trouble since Jill knew the whole story from beginning.

- d. My KPMG career advisor Mike Sorrano indicated that Bill's conduct is retaliatory.
 - e. Another KTech Director Mitch Kupferman told me that Bill did similar measurement to gain advantage by reporting to HR in an alerting way, to get several staffs into big trouble. Mike was Bill's direct report for years and knows my GPU project (also Rick's PHI project) reasonably well. Mitch shared the group with Bill for years.
9. Shameless plagiarism & malicious competition, even with manager's support.
Bill is only interested to report my work to management in an ambiguous way. When he first join the group, I ask him to take over the operation lead role since he seemed senior but he refused. At that time the systems still had a lot of issues due to under staffing, not enough project time yet and vendor's solution is yet to be mature. After significant progress, he sneaked into that role. Same pattern in PHI project and GPU project here. The motivation of firing me from KPMG is because someone wants to claim all the credit of my project without proper review. Bill wanted to take it over but does not how to continue. He wanted to join the project but refuse to take any responsibilities. At the same time, prevent me from getting it completed. When I am ready to report this up, he used his political skills to get me fired. For several projects, Bill always prevented me from getting the last steps done, Kevin complained that he did not get anything tangible and I never get the projects done; PML compromised the performance goal he set up with me (saying you did a good job, a lot of tasks did not need the staff at your capability, I actually predicted the risk as early as Feb 2017 after GPU project started, Martin said were it happen again, let him know, but I have no chance to update him for 5 weeks before I was fired), while project got significant progress, Bill & Dave sneaked into the project by asking Kevin to order me to surrender the project to them without any review, I actually had no review for FY2017 (Kevin said Dave is the only admin in the group) , equivalently sabotage the progress. When the project was ready to review, Bill Koch tried to lie to SRM without success and I was accountable for all the issues, even for some of the progress that vendor is yet to make. I has no right to select the team members(originally selected admin actually know the technology, but Dave took it over for unknown reason), asked them to completely take over the project but got yelled; ask to complete some tasks, but got politically delayed; ask Bill to focus on his own project, and got fired.
 10. Did not respect KPMG official procedures, even imply me to compromise the integrity in project kickoff and review. Over years the lack of diligence from Bill Koch caused LH systems out of compliance after KPMG's standard increased over time, while my proposal to was blocked.
 11. Lighthouse Partner Brad acted as HR at Montvale office replying EEOC director, which is very alerting. It is due to the fact that all the person with decision power (Martin, Kevin, Simon) are all remote that leads to all the way like this. Kevin's focus was on business development and pretty much did not join any groups' weekly meeting, almost no chance to give Kevin any feedback or get the requirements (in later July 2017, Kevin asked me not to worry about the 400+ security requirements, but in early Aug 2017, he asked me to completed the project in 10 days, and fully implemented all the requirements), while Bill acted as the man in the middle, provided ambiguities in both directions.

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